



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ENF-W

JUN - 9 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Oppen, Director
Montana Department of
Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2006-0042**

Pioneer School District 41
1937 Dover Road
Billings, MT 59105
PWS ID# MT0001735

Dear Mr. Oppen:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of the exceedance of maximum contaminant levels (MCL) for total coliform, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to monitor for lead and copper, failure to monitor for water quality parameters, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of
Violation

Violation

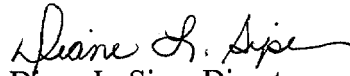
August, September and October 2002	Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]
November 2002	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
January – June and July – December for 2001, 2002, 2003, 2004, and 2005	Failure to monitor for lead and copper. [40 C.F.R. § 141.86 (d)(4)(iv)]
January – June for 2001 & 2005, January – June and July – December for 2002 & 2003	Failure to monitor for water quality parameters. [40 C.F.R. § 141.87 (b)]
2001 – 2005	Failure to notify public of all violations except August and September 2002 total coliform MCL. [40 C.F.R. § 141.201]
2001 – 2005	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b), 141.21(g)(1) and 141.21(g)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Han Boon Lee, District Clerk (via certified mail / return receipt requested)
Christie Halvorson, Chairperson, Pioneer School District
(via certified mail / return receipt requested)
John Arrigo, MT DEQ



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